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Sent: Tuesday, February 04, 2014 9:56 AM
To: Wren Stenger
Subject: Answer to the Question

Tracking:	Recipient	Delivery
	Wren Stenger	Delivered: 2/4/2014 9:56 AM

House GOP probes agency actions in Lone Star State

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Published: Monday, February 3, 2014

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Is U.S. EPA messing with Texas?

That's the question House Republicans will pose this week at a hearing on how the agency's rules are affecting the Lone Star State.

Tensions between EPA and Texas regulators are nothing new -- there's been a simmering feud for years as state officials have pushed back against the Obama administration's policies. And GOP lawmakers' opinion is clear from the title of the Science, Space and Technology Committee hearing: "Examining the Science of EPA Overreach: A Case Study in Texas."

The panel's chairman, Lamar Smith (R-Texas), regularly questions the science underpinning EPA's policies. At a recent hearing, he slammed EPA chief Gina McCarthy and her agency for using "secret science," saying it appears that EPA "bends the law and stretches the science to justify its own objectives" ([Greenwire](#), Nov. 14, 2013).

The hearing's focus on Texas can be traced to the state's outsized influence on the Science Committee. In addition to Smith and the panel's Chairman Emeritus Ralph Hall (R-Texas), the committee's top Democrat, Eddie Bernice Johnson, hails from the state. All told, eight of the panel's 39 members are Texans.

Wednesday's hearing appears certain to delve into controversies about everything from oil and gas drilling to the reach of EPA clean water rules.

David Porter -- one of three elected Texas Railroad Commission members who oversee drilling in the state -- will be on hand to testify. His agency was at the center of a high-profile battle with EPA surrounding gas wells drilled by Fort Worth-based Range Resources Corp.

In 2010, EPA regulators brought a controversial enforcement case against Range for contaminating groundwater in a community west of Fort Worth. EPA charged that the Railroad Commission hadn't done enough to help its constituents, while the commissioners slammed EPA for intruding in state affairs. EPA dropped the case in 2012, and questions about the case remain unanswered ([EnergyWire](#), Jan. 14).

Another issue likely to be on the front burner is a long-running legal battle over an air permitting program. Texas regulators last week announced an agreement with EPA after years of sparring over whether the state's flexible program was up to snuff ([E&ENews PM](#), Jan. 30).

Bryan Shaw -- the chairman of the Texas Commission on Environmental Quality who's been a key player in the permitting fight -- is among those slated to testify.

Texas Farm Bureau President Kenneth Dierschke will be telling the committee about his concerns with the reach of upcoming EPA water regulations. "Out here, we're really concerned about what we would call navigable waters," said Dierschke, a cotton and grain farmer from San Angelo, Texas.

"We would love to have some to deal with, but sometimes our streambeds and our lakes out here may go years without seeing any kind of water. So we're concerned about them -- when it does happen -- about overreaching their jurisdiction on some of these issues," said Dierschke, whose organization represents about 500,000 members. "Farmers and ranchers, we are the stewards of the land, we live out here on the land, and we try to take care of it the best we can."

EPA is preparing to propose a rule to clarify which bodies of water -- including streams, creeks, bogs and marshes -- fall under the jurisdiction of the Clean Water Act rules.

Elena Craft, a health scientist at the Environmental Defense Fund, said she's expecting to hear "the same rhetoric we've heard from the state and the attorney general for years now" about how EPA is costing jobs.

But Craft -- who works out of EDF's Austin office -- was invited by committee Democrats to be a voice of opposition. "I'd really like to convey that we believe strongly that we can have a strong environment and we can have a strong business industry in the state," she said.

Craft said Texas is facing "tremendous air quality challenges" when it comes to ozone and air toxics. "It's not clear to me how Texas believes that it's playing a real leadership role in terms of getting the reductions."

And she isn't afraid to go up against EPA's critics. "I feel like I'll probably be the Lone Ranger, but that's all right."

Schedule: The hearing is Wednesday, Feb. 5, at 10 a.m. in 2318 Rayburn.

Witnesses: David Porter, commissioner of the Railroad Commission of Texas; Bryan Shaw, chairman of the Texas Commission on Environmental Quality; Kenneth Dierschke, president of the Texas Farm Bureau; Elena Craft, health scientist at the Environmental Defense Fund; and Bernard Weinstein, associate director of the Maguire Energy Institute in the Cox School of Business at Southern Methodist University.

Reporter Jason Plautz contributed.

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